

MIDTOWN REDEVELOPMENT AREA BOARD
MINUTES
Tuesday, July 10, 2012

A meeting of the Midtown Redevelopment Area Board was held Tuesday, July 10, 2012, at 6:00 p.m. in Commission Chambers, Daytona Beach City Hall, 301 S. Ridgewood Avenue, Daytona Beach, FL. The following people were present:

Board Members

Mr. Hemis Ivey, Chair
Ms. Shirley Benjamin
Ms. Denise Cato
Ms. Patricia Heard
Dr. Irma Browne Jamison
Mr. Ken McGee
Ms. Margaret Symonette
Mr. Martin Tooley
Mr. Wilburn Williams (arrived at 6:03 p.m.)

Staff Members Present

Mr. Reed Berger, Redevelopment Director
Mr. Charles Bryant, Redevelopment Project Manager
Mr. Ben Gross, Deputy City Attorney
Ms. Becky Groom, Recording Secretary

1. Call to Order

Mr. Ivey called the meeting to order at 6:00 p.m.

2. Roll Call

Ms. Groom called the roll and noted members present as stated above.

3. Invocation

Mr. Ivey gave the invocation.

4. Pledge of Allegiance to the Flag

Ms. Heard led the Pledge of Allegiance.

Mr. Ivey stated that July 10 was the birth date of Mary McLeod Bethune who was born in 1875. He recognized Dr. Edison Jackson, President of Bethune-Cookman

University, and introduced him to the Board members and Charles Bryant, Redevelopment Project Manager.

Mr. Ivey recognized that the heirs of Mary McLeod Bethune were in attendance and asked that they be recognized by the Board.

Mr. Ivey presented a proclamation to Dr. Jackson recognizing Mary McCleod Bethune. A group photo was taken with Dr. Jackson, the McCleod Bethune family members, and the members of the Midtown Redevelopment Board.

Recess: Break 6:15 p.m.
Reconvene: Reconvened 6:35 p.m.

Mr. Ivey thanked the Board for support given to Ms. Benjamin during her mother's illness and extended sympathy to Ms. Benjamin on behalf of the Board.

Mr. Ivey talked about Ms. Bethune's accomplishments. He noted she was a member of the War Commission in 1943; she was instrumental in the construction of a boat factory on Beach Street and PT boats were launched from Ponce Inlet for war duty; she provided housing during wartime; provided training for the Women's Army Corps; and noted that in 1955, hotels were integrated in Daytona Beach as dignitaries from all over the world were in Daytona Beach to attend her funeral.

Mr. Ivey thanked Ms. Ponder who was the previous chairman for her efforts in leading the Board.

Mr. Ivey recognized the accomplishments of Ms. Bethune and her efforts for the betterment of all. He stated Ms. Bethune was instrumental in 1924 in having water, sewer, and electricity installed on the west side of the railroad tracks. He stated that the Board was established in 1998, yet Midtown remained a blighted community. He stated there had been many accomplishments, including the Midtown Cultural Center, the Pine Haven development, Daytona Village, International Speedway Boulevard streetscape and lighting, and paving of some streets. He noted 4 out of 5 of the projects were funded by grants. He stated he felt the Midtown area was underfunded and asked for support of the Midtown Redevelopment Board. He stated that he supported the submittal of the Master Plan and felt it would support the Midtown community. He stated that Holiday Inn and Indigo Suites both expressed interest in the Midtown community and there was an opportunity for a School of Law to be located in Midtown. He encouraged the Board to support the adoption of the Redevelopment Plan, the Master Plan, and the Comprehensive Plan. Mr. Ivey thanked Ms. Debbie Halinski for her efforts in applying for grants to obtain cameras and other items to be installed in Daytona Villages II. He provided the Board members with a copy of a letter from IHG which expresses their interest in locating a hotel in the Midtown area.

5. Approval of Minutes of May 8, 2012

Mr. Tooley noted there was a discrepancy on Pages 9 and 10 in the total for the unanimous votes. It should be corrected to read 8-0.

Ms. Symonette noted her name is misspelled on Page 9.

Ms. Cato noted her name is no longer McMillen. She noted on page 12 that a person had used ladders because of the level they were going up the poles. She also stated that on Page 11 under Board Comments, she stated that the Board was given a set of plans as to how the project would look. The Board did not receive the detailed plans until the following month which she believed led to the lengthy discussion by the Board. The Board had only received documents showing how the project would look, but the second set of plans was detailed.

Board Action

Ms. Benjamin made a motion to approve the minutes of May 8, 2012, with the changes as noted above. Mr. Tooley seconded the motion and it was approved unanimously (9-0).

6. Staff Report – Code Enforcement

Mr. Ivey asked for comments from Board members on the Code Enforcement report.

Mrs. Cato stated that she would like clarification that Code Enforcement would not be at every meeting.

Mr. Bryant stated that was correct.

Mrs. Cato asked if Mr. Bryant's report would show violations before and after.

Mr. Bryant stated the report that was being presented to the Board was submitted by Code Enforcement. Normally, the report would be included in the Midtown agenda packet; however, this month's report was delayed due to the holiday. He stated he would continue to provide a report to the Board on code violations he found on his own.

Ms. Benjamin stated that she did not see any improvements on the building on Martin Luther King Boulevard between Magnolia Avenue and International Speedway Boulevard.

Mr. Bryant stated they have been cited and he would provide an update to the Board at the next meeting.

Ms. Symonette asked about the photos of the church that were included in the report. She asked if that meant that one side of the church was done and not the other.

Mr. Bryant stated the photos showed two sides of the church where the paint was peeling; and the next photo showed where the building had been painted.

Ms. Heard asked about the last picture in the report and noted the address was not correct. The address should be 513, not 401.

Ms. Heard stated that the building in front of the Dickerson Center was being used for a church. She stated it was a commercial building and she wanted the same thing to happen there that happened at the corner of Magnolia Avenue and Martin Luther King Boulevard.

Ms. Heard stated that the shops next to the churches had all of their windows covered.

Mr. Tooley asked if there was something in the Comprehensive Plan or the LDC that would stop someone from renting a commercial building to who they want.

Mr. Gross stated that the LDC did not deal with the user. The LDC dealt with the use. He stated he could research it but he felt it was unlikely that it was addressed in the LDC.

Mrs. Cato stated that throughout Midtown, the frontage of buildings was covered and the cash register area could not be seen from outside. She stated a robbery took place in a convenience store and the individuals outside at the gas pumps stated they could not see inside the store due to the covered windows and therefore were unable to see the robbery take place. She noted that incident did not happen in Midtown.

Mr. Bryant stated he would get with Officer Lopez.

Ms. Heard stated that on School Street south of Bellevue Avenue, there were bricks and rocks in the right of way and that needed to be moved.

Mr. Bryant stated that School Street was not in Midtown but he would have it checked.

7. Action Item: Amendment to the Midtown Redevelopment Plan

Ms. Symonette stated that she read through the Plan and felt it needed to be approved.

Mr. Williams stated that what was in the proposed plan was covered in the workshop. He asked how they bridge the gap so that they were not throwing good money after bad. He stated that it took 2 to 3 years to implement a plan; and in the meantime, there would be development that would be inconsistent with the Midtown Plan.

Mr. Ivey stated that it should not take 2 years to get the plan implemented and that was a point he brought up to staff. He stated that a contract had been approved to have professional assistance in moving the plan simultaneously.

Mr. Williams asked about consistency with the City's Comprehensive Plan and the Midtown Plan.

Mr. Berger stated the Master Plan must be adopted. The City was looking at the land uses since the LDC re-write was taking place at the same time. Mr. Huffman would be providing assistance to make sure the documents were consistent.

Mr. Ivey asked how land use tied in with the redevelopment plan and the Comprehensive Plan.

Mr. Gross stated the law was the Land Development Code and the plan would, at some point, change that. What was being enforced currently was what was in the code. Property owners had the right to develop their property as long as the code did not prohibit it. The LDC must comply with the Comprehensive Plan. The Plan was a statement of intent and once an ordinance was enacted adopting the Plan, the Plan became law.

Mr. Tooley asked if the Comprehensive Plan was what the Land Development Code must meet.

Mr. Gross stated yes.

Mr. Ivey stated that the Board needed to make sure the documents matched up and he still stood by the Midtown Board as being correct. He stated he was not in agreement with what the Planning Board and City Commission did concerning the property at ISB and Nova Road.

Mr. Tooley asked for a copy of the Comprehensive Plan.

Mr. Berger stated it was on the City's web site. He stated when the Board reviewed the Plan, he would see if copies could be provided to them.

Mr. Ivey stated that he wanted to make sure all new Board members had a copy of the Code book.

Mr. Gross stated that for the Board's purposes of reviewing land uses, the Land Development Code was very specific on criteria for the Board to apply. He stated the Board was charged with applying criteria in the LDC and the staff report had the criteria outlined for the Board.

Mr. Berger stated that staff wanted the Boards to become familiar with the Comprehensive Plan and setting forth recommendations that go to the Planning Board. He stated he did not see it being a two year process to re-write the plan.

Ms. Cato asked about the Capital Projects section on Page 19 of the packet. It stated there were 6 capital projects to be completed by 2015. She stated that she knew what she wanted in Midtown and she wanted it to look good. She was concerned about projects that were started in the Midtown neighborhoods looking like things were thrown in, particularly the streetscape project on Magnolia Avenue. She asked if the flooding problem was corrected from Adams Street to Nova Road. She felt in Midtown, streets were beautified but the flooding problem was not addressed.

Ms. Benjamin asked Mr. Berger if he told the City Commission that the Board was holding up the Master Plan and wanted to know why.

Mr. Berger stated that the Board had been provided a memo that was sent to the City Commission. One of the Commissioners was advised that there was a delay in the process and felt there should be an explanation. During the Commission comments it was asked because there was a statement that some members of the Board were concerned that the Redevelopment Plan was not moving forward.

Ms. Benjamin stated that when meetings and workshops were held, the Board tried to be there and she did not understand why Mr. Berger said the Board was the hold up.

Mr. Berger stated he did not say that.

Ms. Benjamin stated that the Magnolia Avenue trees were dying and it made the neighborhood look bad. She stated the drains on Lincoln needed to be cleaned, and as a result of the drains not being cleaned, water was backing up into her yard.

Mr. McGee agreed with Ms. Benjamin that the trees were an eyesore. He asked if they were 2 years away from having the Comp Plan, Master Use Plan, and Land Use Plans unified.

Mr. Berger stated that it should take less than two years. Staff was trying to move it along as quickly as possible. He stated that if the Redevelopment Plan was approved, there should be official approval through an ordinance at the City Commission in September or October. He stated that the Future Land Use Plan

and LDC would be coming back to the Midtown Board. By the end of the calendar year, they should be transmitting the Future Land Use Plan to the State. He stated that he did not know how long the LDC re-write would take but he was hoping that it would be concluded by the end of fall.

Mr. McGee asked what rules would be followed if someone submitted a request for a project over the next couple of months.

Mr. Berger stated that the plan would be reviewed under the current LDC since the proposed amendments were not in place until the ordinance was adopted by the City Commission. It was the intent that the LDC changes be adopted by the end of the year.

Mr. Ivey stated that he felt ordinances were passed in other communities without the timeframe it took for Midtown to get things done. He stated that the Board needed to adopt the Redevelopment Plan and the Master Plan, and send everything forward with revisions. He did not feel the Board should be waiting for Clarion. He suggested a workshop be held to make sure all items were coordinated.

Mr. McGee stated that the Board had been presented with a sketch regarding a potential hotel site at Nova Road and ISB along with two letters of interest. He stated this was "smoke."

Mr. Berger disagreed. He stated if somebody wanted to develop something, staff acted on it. He stated the letter regarding the hotels just recently came to staff.

Dr. Jamison stated that she was not concerned about positive things such as a hotel coming in to the community. She was concerned about negative things and no mechanism to prevent them.

Mr. Tooley asked what Board would be next to review the Redevelopment Plan if the Midtown Board approved it.

Mr. Berger stated the Planning Board would review it next and then it would be sent to the CRA, and then City Commission.

Mr. Tooley asked what would hold up the process.

Mr. Berger stated that the only way it would be delayed was if someone wanted to wait for an additional meeting to review the document. He stated that the CRA had made it very clear that they want it to come back to them and intended to move it forward.

Mr. Tooley stated that there had been something between the Midtown Board and the CRA that has been holding up the process.

Mr. Berger stated that it was not being held up. If the Board decided to move it forward, it would go forward and the City Commission made the final decision.

Mr. Ivey stated that he felt the plan should be adopted and moved forward to the City Commission. He did not want it said that the Midtown Board was holding it up.

Board Motion

Mr. Tooley made a motion to approve the Midtown Redevelopment Plan along with the Master Plan simultaneously with any revisions. Ms. Symonette seconded the motion

Mr. Berger stated that the plan would go to the Planning Board, then the CRA, and then the City Commission.

Mr. Gross stated that the motion should be stated that the Board approved the Redevelopment Plan and Master Plan with revisions.

Board Action

Mr. Tooley amended his motion to state that the Board recommended approval of the Redevelopment Plan and Master Plan with revisions. Ms. Symonette seconded the motion and it was approved unanimously (9-0).

Ms. Heard stated that she was glad the Board passed the plans. She stated that she felt Mr. Bryant and Mr. Reed were working to help the Board however someone down the line was not keeping with the Board's plan. She asked that Mr. Berger advise the Board if something was not in order before it went to the Planning Board.

Ms. Cato stated that workshops were held and many times she got frustrated. She stated that she had asked Mr. Berger to let the Board know what needed to be done. She stated that she felt the Planning Board did not take the Midtown Board seriously.

Mr. Ivey asked that the Board proceed with the agenda and Board comments could be addressed at the end of the meeting.

Ms. Benjamin stated that she was at the meeting and Mr. Bryant did a good job of presenting the Board's position. She stated that it was not the Midtown Board that was hung up, it was the Planning Board. She stated the Planning Board was trying to dictate to Midtown.

8. **Item: BOA-07-12-03 #, Miller-Leaman**

Mr. Joseph Hopkins, 100 Marina Point Drive, Daytona Beach, representing property owner, Bill Miller stated he would answer any questions the Board might have.

Ms. Cato asked the nature of the business.

Mr. Hopkins stated they manufactured a filtration device for water purification.

Ms. Cato asked the number of employees.

Mr. Hopkins stated the business employed 25 people and if any Board member would like to tour of the facility, he could arrange it. He stated the request was to build a 6 foot masonry wall. It would be opaque screening as opposed to the existing chain link along Lockhart Street. Mr. Hopkins asked for a recommendation of support from the Midtown Board so the request could go forward to the Board of Adjustment.

Ms. Heard asked if it would be a solid masonry wall.

Mr. Hopkins stated yes, there would be 18" columns and with breaks in it.

Ms. Cato asked if would be solid with something on top of it.

Mr. Hopkins stated yes and referred to the exhibit in the Board packet.

Board Motion

Ms. Benjamin made a motion to approve BOA-07-12-03, Miller-Leaman. Ms. Heard seconded the motion and it was approved unanimously (9-0).

9. **Item: DEV2012-074, 555 W. International Speedway**

Mr. Ivey asked that the item be continued since it had to be reviewed by the TRT prior to review by the Midtown Board.

Ms. Benjamin asked if the property was a vacant lot.

Mr. Hopkins stated no and the building on the lot was last used by National Car Rental. He stated the fencing would be replaced and new signage installed.

Mr. McGee asked how high the fence would be on ISB.

Mr. Hopkins stated it would be 6 feet.

Mr. McGee stated the LDC allowed a 4' maximum height.

Mr. Hopkins stated he would work with the TRT to make sure the request was in compliance.

Mr. McGee stated he did not feel a 6 foot fence could be approved along ISB when the code only allowed 4 feet in height.

Mr. Hopkins stated he would work with staff.

Board Action

Mr. Tooley made a motion to table the item until the next meeting. Ms. Cato seconded the motion and it was approved unanimously (9-0).

10. **Discussion Item:** Expansion of the Bike Week Master Plan dealing with Bike Week and Biketoberfest in the Midtown Redevelopment Area.

Mr. Ivey stated that Commissioner Reynolds brought up the item of itinerant vendors on ISB at a City Commission meeting about two months ago. He stated he had talked with Ms. Reynolds about the issue. He stated the current code did not allow itinerant vendors in that area therefore it would need to be changed and he asked that the Board consider a recommendation to change the code to allow itinerant vendors along ISB. The recommendation would then be forwarded to the City Commission.

Mr. McGee stated he was more concerned that the use was not compatible with the character of the street that the Board had worked on for more than a year.

Dr. Jamison asked if Mr. Ivey was looking for something temporary during Bike Week or a permanent change.

Mr. Ivey stated it would be a permanent change to allow itinerant vendors during Bike Week and Biketoberfest.

Ms. Heard stated the motorcycle shops in Midtown have side streets. The businesses on ISB have side streets adjacent to their properties. She stated she feels the service station sets up without permits. She stated she did not see anything wrong with people making additional money.

Mr. Williams asked how the vendors would affect traffic flow in an area that would already be congested. He stated he was also concerned about the neighbors and how they might feel because he did not think the neighbors should be inconvenienced.

Ms. Symonette asked how other businesses could be prohibited from setting up.

Mr. Ivey stated that businesses currently operating in the area would be affected. He stated it was an attempt to encourage people to stop and spend money in the area.

Mr. William stated that the major corridor ran right through Midtown and was a residential area.

Mr. Tooley stated that one of the only motorcycle museums was located in Midtown and he was not permitted to have vendors. He stated they needed to stop making it hard for people to make money in Daytona Beach because people were going to South Daytona, Holly Hill, Ormond Beach, and Port Orange to spend money during Bike Week. He stated the businesses on Second Avenue had people in their back yards during Bike Week and the residents did not have problems with it.

Mr. McGee stated they had spent a long time discussing the intersection of ISB where Checker's/Bucks were located. He stated the Board discussed a hotel and other major services coming to the area and turning the whole area into retail and mixed use. He stated the motorcycle dealer on ISB had a one year lease.

Mr. Ivey stated the motorcycle shop may have a two year lease with an option to buy.

Mr. McGee stated the Board worked a long time to establish the principles and they should not be thrown away and they should not back off from their intended uses and intended character.

Mr. Tooley asked if they should tell businesses they needed to leave Midtown.

Ms. Heard stated that if they agreed that vendors could set up, the City and Chamber of Commerce would give them guidelines to which they must adhere to. She stated Code Enforcement did not bother the service station and they did not have permits.

Ms. Cato stated it was the gateway to Midtown and there never had been vending in the area. She stated her only concern would be for property owners who had vacant lots. She asked if it would be limited to bike shops or if it would be open from Nova Road to the railroad tracks. She further asked if there would be banners on ISB saying Midtown.

Mr. Ivey stated that he talked with some of the community stake holders about how Bike Week could become more of a festival and bring revenue to the community. He stated the neighbors could put out no parking signs and there

could be restrictions on the music but he felt the neighbors welcomed Bike Week. He stated there was an ordinance in place regarding noise and he wanted to give people the opportunity to make money.

Ms. Cato asked if there would be a border to outline the area.

Mr. Ivey stated the area would be between the railroad tracks and Mary McLeod Bethune Boulevard and Martin Luther King Boulevard south to Shady Place. He proposed opening up more on ISB to stimulate economic growth and make Midtown more of a festival area. He stated that technical people could answer questions the Board may have but wanted to bring it up for discussion.

11. Board Priorities

Mr. Ivey asked that Board Members contact Mr. Bryant if they had questions on the Board Priorities.

12. Redevelopment Project Updates

Mr. Ivey asked that Board Members contact Mr. Bryant if they had questions on the Redevelopment Project Update.

13. Public Comments

Rev. Victor Gooden, 809 Pelican Bay Drive, Daytona Beach, Florida, talked about the discussion the Board had regarding itinerant vendors. He stated that the Board's opinion would not matter and the City Commission would make the decision on what to do. He supported the efforts to let people make money during Bike Week and Biketoberfest and appreciated the Board and their efforts in representing the community. He stated he felt the Board should be provided with copies of the Comprehensive Plan and should not have to retrieve it from the web site.

Ms. Johnnie Ponder stated she did not agree with extending Bike Week to ISB because the Master Plan did not call for it and the Board would be setting a precedent. She stated she had concerns about parking. She stated she heard Mr. Berger say at the workshop it would be 2 years for completion of the plan and she encouraged the Board to advocate for the plan to be approved.

Mr. Pierre Lewis, 130 S. Franklin Street, stated Motor Works was at his back yard and he hoped there would be further discussion on permitting vendors at the site. He stated he was pleased with the City's new web site and he received emails about Joe's Crab Shack. He stated if the City was going to promote one business, other businesses should be supported as well.

Mr. Ivey recognized Debbie Holinski who prepared the grant for Daytona Villages II. He thanked her for taking the initiative in submitting the grant application on behalf of Daytona Villages II.

Ms. Debbie Holinski stated she enjoyed the relationships she had built with the City and would continue to work to improve the community.

14. Board Comments

Mr. Williams stated he was pleased with this evening's meeting and clarifications that were received regarding the LDC and other plans. He encouraged Board members to get their neighbors involved in the community so they were informed. He thanked Mr. and Mrs. Hill, members of his neighborhood watch, for attending the meeting.

Ms. Benjamin thanked the Board for their support during the loss of her mother.

Mr. Tooley thanked the Board.

Ms. Cato stated that the fight still continued since the Board was not being understood about what was wanted for Midtown.

Mr. McGee thanked the Board.

Ms. Symonette thanked everyone for recognizing Ms. Bethune.

Dr. Jamison stated she has worked on grants previously and she was excited to hear about Ms. Holinski's efforts.

Ms. Heard stated that the Board must continue to stick together and continue the fight. The Board had started something and they must go through with it and not give up. She stated that if the Board did not do something about Midtown, in the next few years the City would take over all of the property in Midtown because the City and developers were moving west. She applauded Mr. Ivey for his work and thanked Ms. Ponder for all she had done.

Mr. Bryant complimented the Board on their work. He congratulated Mr. McGee on being named a Hometown Hero. He thanked the Board for their contributions to the festival and banquet. He noted over 500 people attended the banquet and the festival was a success.

Mr. Bryant stated there was a ground breaking scheduled for the Daytona Beach Village Apartments at 206 N. Keech Street on July 26 at 2:00 p.m. and he invited Board members to attend.

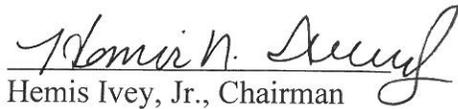
Mr. Bryant thanked Mr. Ivey and Mr. Tooley for attending his brother in law's funeral.

Mr. Bryant congratulated Ms. Cato on her recent wedding.

Mr. Ivey thanked the Board and urged the Board to continue moving forward. He stated he would talk with Mr. Bryant and Mr. Berger about holding a workshop prior to the next Board meeting. He thanked the Board for welcoming Bethune Cookman University and the members of the Bethune family to the meeting.

15. Adjournment

Ms. Cato made a motion to adjourn the meeting. Dr. Jamison seconded the motion and it was approved unanimously (9-0) at 9:15 PM.


Hemis Ivey, Jr., Chairman


Rebecca Groom, Recording Secretary